

The Corporation of the Town of The Blue Mountains

By-Law Number 2002 – 18

Office Consolidation

(By-law No. 2003-26, 2014-15 & 2014-46)

Whereas Council at its meeting of April 3, 2002 enacted By-law No. 2002-18, "The Property Standards By-law";

And Whereas Council at its meeting of March 24, 2003 enacted a By-law to regulate and prohibit long grass and noxious weeds:

And Whereas certain provisions of The Property Standards By-law have been duplicated in the Long Grass and Weed Control By-law;

And Whereas Council are desirous of repealing those provisions contained in The Property Standards By-law;

Now Therefore and respecting under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23, a by-law may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the official plan for the municipality includes provisions relating to property conditions;

And Whereas the Town of Thornbury Official Plan includes provisions relating to property conditions;

And Whereas Amendment No. 12 (Craigeith/Camperdown Secondary Plan) to the Official Plan of the Beaver Valley Planning Area includes provisions relating to property conditions;

And Whereas Amendment No. 27 (North Collingwood Township Secondary Plan) to the Official Plan of the Beaver Valley Planning Area includes provisions relating to property conditions;

And Whereas the Council of The Town of The Blue Mountains is desirous of passing a by-law under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23;

And Whereas Section 15.6(1) of the Building Code Act, S.O. 1992, c.23 requires that a by-law passed under Section 15.1(3) of the Building Code Act, S.O. 1992, c.23 shall provide for the establishment of a Property Standards Committee;

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

Part 1 Definitions

In this By-law:

- 1.1 "Accessory Building" means a detached building or structure, not used for human habitation, that is subordinate to the primary use of the same property.
- 1.2 "Approved" means acceptance by the Property Standards Officer.
- 1.3 "Dwelling" means a building or structure or part of a building or structure, occupied or capable of being occupied, in whole or in part for the purpose of human habitation.
- 1.4 "Dwelling Unit" means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities.
- 1.5 "Guard" means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.
- 1.6 "Long Grass" means grass that exceeds a length, on average, of 180 mm (7").
- 1.7 "Non-Residential Property" means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation

and includes the lands and premises appurtenant and all of the outbuildings, fences or erections thereon or therein.

- 1.8 "Normal Farm Practice" means a normal farm practice as defined by the Farming and Food Production and Protection Act, 1998.
- 1.9 "Owner" means the registered owner of a property.
- 1.10 "Person" means an individual, firm, corporation, association or partnership.
- 1.11 "Residential Property" means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard.
- 1.12 "Standards" means the standards of the physical condition prescribed for property by this By-Law.
- 1.13 "Unsightly Appearance" means something that is displeasing to the eye.
- 1.14 "Yard" means the land other than publicly owned land around or appurtenant to the whole or any part of a residential or non-residential property and used or capable of being used in connection with the property.

Part II Compliance

- 2.1 Except as explicitly provided for in Section 4.1 of this By-law, all owners of property shall repair and maintain such property to comply with the standards prescribed by this By-law.
- 2.2 The provisions of this By-law do not apply to normal farm practices.

Part III

General Standards for All Property

- 3.1 All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code, Ontario Fire Code and the Fire Prevention and Protection Act where applicable.

Yards

- 3.2 Every yard, including vacant lots, shall be kept clean and free from:
 - 1) rubbish or debris and objects or conditions that may create a health, fire or accident hazard;
 - 2) wrecked, dismantled, discarded or abandoned machinery, vehicles, trailers or boats, unless it is necessary for the operation of a business enterprise lawfully situated on the property;
 - 3) brush & undergrowth (By-law 2003-26);
 - 4) dilapidated, collapsed or partially constructed structures which are not currently under construction;
 - 5) injurious insects, termites, rodents, vermin or other pests; and
 - 6) dead, decayed or damaged trees.

Surface Conditions

- 3.3 Surface conditions of yards shall be maintained so as to:
 - 1) prevent ponding of storm water;
 - 2) prevent instability or erosion of soil;
 - 3) not exhibit an unsightly appearance;
 - 4) be kept free of garbage and refuse;
 - 5) be kept free of deep ruts and holes; and,
 - 6) provide for safe passage under normal use and weather conditions, day or night.

3.4 Section 3.3 1) shall not apply to naturally occurring ponds, approved storm water management ponds, ponds forming part of an irrigation or snow making system or other approved ponds.

Sewage and Drainage

- 3.5 Sewage shall be discharged into a municipal sewage system or an approved private sewage system.
- 3.6 Sewage of any kind shall not be discharged onto the surface of the ground, whether into a natural or artificial surface drainage system or otherwise.
- 3.7 Roof or foundation drainage shall not be discharged onto adjacent private property or, onto public property unless such drainage has been authorized by the authority having jurisdiction.

Parking Areas, Walks and Driveways

- 3.8 All areas regularly used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair, free of dirt and litter.
- 3.9 Steps, walks, driveways, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and normal weather conditions, day or night.

Accessory Buildings, Fences, and Other Structures

- 3.10 Accessory buildings, fences and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.

Garbage Disposal

- 3.11 Every building, dwelling, and dwelling unit shall be provided with a sufficient number of suitable receptacles to contain all garbage, refuse and ashes that may accumulate on the property between the regularly designated collection days. Such receptacles shall be constructed of watertight material, provided with a tight-fitting cover, and shall be maintained in a clean and odour free condition at all times.
- 3.12 All garbage, refuse, and ashes shall be promptly placed in a suitable container and made available for removal in accordance with the municipal garbage collection by-law where applicable.
- 3.13 Garbage storage areas shall be screened from public right-of-ways.

Compost Heaps

- 3.14 The occupant of a residential property may provide for a compost heap in accordance with the health regulations, provided that the compost pile is no larger than two square metres and 2.0 metres (6'-7") in height and is enclosed on all sides by concrete block, or lumber, or in a forty- five gallon container, a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting, or other approved container. Any such building or structure used to enclose the compost heap shall be situated in accordance with the provisions of the applicable zoning by-law.

Part IV

Dwelling Unit, Short Term Accommodation and Commercial Resort Unit Standards

- 4.0 The following standards apply to those uses defined as a dwelling unit, short term accommodation and/or commercial resort unit by the applicable zoning by-law:

Interior Structure-Columns-Beams

- 4.1 In every building, all structural components, including but not limited to all joists, beams, studding, and roof rafters, shall be of sound material and adequate for the load to which they are subjected.

Walls-Ceilings

- 4.2 Every interior surface and finishes of walls and ceilings shall be maintained:
- 1) in good repair, a surface which is reasonably smooth, clean, tight and easily cleaned;
 - 2) free of holes, cracks, loose plaster or other material;
 - 3) in a safe condition; and
 - 4) so as to possess the fire-resistant properties required by the Building and Fire Codes.
- 4.3 In any bathroom the walls to a height of forty-two (42) inches above a bathtub equipped with a shower or six (6) feet above the floor of a shower stall, shall be maintained as to be water resistant and readily cleaned.

Floors

- 4.4 Every floor shall be smooth and level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an unsafe condition or surface. Such defective floors shall be repaired or replaced.
- 4.5 Where a floor covering has become worn or torn so that it retains dirt or may create an unsafe condition, the floor covering shall be repaired or replaced.
- 4.6 Every bathroom, kitchen, laundry and shower room shall have a floor covering of water-resistant material and be capable of being cleaned.
- 4.7 Every cellar and basement shall have a floor of concrete or other material acceptable under the provisions of the Building Code, to ensure water drainage and to guard against the entry of vermin.

Stairs-Handrails-Guards

- 4.8 Every inside or outside stair and every porch or landing appurtenant to it shall be maintained so as to be free of holes, cracks and other defects which constitute accident hazards.
- 4.9 All handrails and balustrades, stairways, fire escapes, balconies, landings and porches and similar appurtenances shall be maintained in good repair so as to be free of holes and other defects which constitute accident hazards, shall be properly anchored so as to be kept in a safe and secured condition, shall be structurally sound for the loads imposed through their normal use and, if metal, shall be protected from rust or similar decay by a periodic application of paint.
- 4.10 Handrails shall be installed and maintained in good repair on all exterior stairs that have more than 3 risers and on all interior stairs within dwelling units that have more than 2 risers.
- 4.11 All handrails and balustrades, stairways, fire escapes, balconies, landings and porches and similar appurtenances shall be maintained in good repair, shall be properly anchored so as to be kept in a safe and secured condition, shall be structurally capable of supporting the loads imposed through their normal use and, if metal, shall be protected from rust or similar decay by a periodic application of a protective coating such as paint.

Elevators

- 4.12 Elevating devices in a building, including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good repair and operational.
- 4.13 All elevating devices including elevators, dumb-waiters, hoists, escalators, incline lifts and other elevating devices shall be installed and maintained:
- 1) in good working order and good repair; and
 - 2) in a safe condition.

Means of Egress

- 4.14 Every building, structure or dwelling unit shall have a safe, continuous and unobstructed passage from the interior to an exit or the outside of the building at street or grade level.
- 4.15 Exterior stairs and fire escapes shall be maintained in a safe state of repair and kept free of ice and snow.

- 4.16 The passage required as egress from one dwelling unit shall not pass through any other dwelling unit.
- 4.17 In every multi-residential dwelling where a security locking-and-release system has been provided in the front or rear lobby for the entrance into the multiple dwelling and that system is controlled from each dwelling unit, such system shall be maintained in good repair and in an operating condition.
- 4.18 Where a non-residential building contains dwelling units located at other than grade level, there shall be a secondary means of continuous and unobstructed egress from such dwelling units.
- 4.19 All means of egress within a non-residential property shall be maintained free from all obstructions or impediments;
 - a) provided with clear, unobstructed and readily visible exit signs, for every required exit; and
 - b) provided with lighting facilities capable of illuminating the means of egress to ensure the safe passage of persons exiting the building.

Heating – Air Conditioning

- 4.20 Every residential dwelling shall have heating equipment capable of maintaining a temperature of 21°Celsius (70 °Fahrenheit).
- 4.21 It is the responsibility of the owner that all heating and mechanical systems, and their components be installed, operational and maintained in good working order.
- 4.22 Only heating equipment approved for use by a recognized standards and testing authority shall be provided in a room used or intended for use for sleeping purposes.
- 4.23 No rental residential dwelling unit shall be equipped with portable heating equipment as the primary source of heat.
- 4.24 Solid fuel burning appliances shall conform to the standards as set out in the Building Code. Fireplaces and similar construction used or capable of being used for burning fuels in open fires shall be connected to approved chimneys and shall be installed so as not to create a fire hazard to nearby or adjacent combustible materials and structural members.
- 4.25 If heating equipment burns solid or liquid fuel, a storage place or receptacle for the fuel shall be provided in a safe place and maintained in a safe condition.
- 4.26 Fuel-burning equipment shall be vented to a flue by means of rigid connections leading to a chimney or a vent or flue. All flues shall be kept clear of obstructions.
- 4.27 Every chimney, smoke pipe and flue shall be maintained so as to prevent gas from leaking into the building.

Air Conditioning

- 4.28 Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage on to entrance areas, sidewalks or pathways and shall be maintained in a safe mechanical and electrical condition.
- 4.29 Cooling water from water-cooled equipment shall not be discharged on driveways, walkways or other areas used for pedestrian or vehicular traffic, or in such manner that it may cause damage to the walls, foundations or other parts of a building.
- 4.30 The discharge of cooling water from all water-cooled equipment shall be made to a proper drainage system and shall be connected in accordance with all applicable governmental regulations.

Electrical

- 4.31 Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system. An adequate supply of electrical power shall be available in all occupied parts of every dwelling, suite and building.
- 4.32 The connection to the building and the system of circuits and outlets distributing the electrical supply within the building shall provide adequate capacity for the use of the building and such connections, circuits, wiring and outlets along with any fuses, circuit breakers and other appurtenances thereto shall be installed and maintained in good working order.

4.33 Extension cords are not permitted on a permanent basis.

Ventilation

4.34 Ventilation shall be provided to and maintained and operated in all rooms and spaces within a building so as to prevent accumulations of heat, dust, fumes, gases, including carbon monoxide, vapours and other contaminants which may create a fire, explosion, toxic hazard or health hazard.

4.35 Every ventilation system shall be cleaned regularly and maintained in good working condition and good repair.

4.36 When an exterior opening is used or required for ventilation and is not required to be protected by a door, window or similar closure, it shall be protected with screens in accordance with this Bylaw.

4.37 An opening for natural ventilation may be omitted from a bathroom or toilet room where a system of mechanical ventilation has been provided.

4.38 Every basement, cellar, unheated crawl space and attic shall be vented and such vents shall be designed and maintained to prevent entry of snow, rain, rodents and insects.

Lighting

4.39 Every stairway, exterior exit and entrance doorway, bathroom, toilet room, kitchen, hall, cellar, basement, laundry, furnace room and non-habitable work room in a suite, dwelling unit or building shall have a permanently installed lighting fixture that shall be maintained in a safe condition and in good working order.

4.40 Lighting equipment shall be installed throughout every property to provide adequate illumination for the use of each space so as to provide safe passage.

Plumbing

4.41 All plumbing, drain pipes, water pipes and plumbing fixtures in every building and every connecting line to the sewage system shall be maintained in good working order and free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.

4.42 Plumbing systems on a property shall be provided, installed and maintained:

- 1) in compliance with the respective requirements of any applicable Act or Bylaw;
- 2) in good working order and good repair; and
- 3) in a safe condition.

4.43 All plumbing fixtures shall be connected to the sewage system through water seal traps.

Water Supply

4.44 Every dwelling and every building to which water is available under pressure through piping shall be provided with:

- 1) adequate supply of hot water with a temperature range from 60 to 73.8 Celsius or 140 to 165 degrees Fahrenheit shall be provided and maintained in all dwelling units; and
- 2) piping for hot and cold water connected to every kitchen fixture, every washbasin, bathtub, shower, sink and laundry area; and
- 3) piping for cold water connected to every toilet and hose bib.

Sewage System

4.45 Every plumbing fixture in every building shall discharge the water, liquids or sewage into drainage piping, which shall be connected to a municipal sewage system, or a system approved by the authority having jurisdiction and in accordance with all applicable law.

4.46 Sewage or organic waste shall not be discharged to the surface of the ground, but into a sewage system where such system exists. Where a sewage system does not exist, sewage or organic waste shall be disposed of in a manner according to the Ontario Building Code.

4.47 The land in the vicinity of a sewage system shall be maintained in a condition that will not cause damage to or impair the functioning of the sewage system.

Vermin Control

4.48 Every property shall be maintained so as to be free from vermin and conditions that may promote an infestation at all times.

Part V

Additional Requirements for Dwelling Unit, Short Term Accommodation and Commercial Resort Unit Occupancy

5.0 The following standards apply to those uses defined as a dwelling unit, short term accommodation and/or commercial resort unit by the applicable zoning by-law:

Occupancy Standards

5.1 A non-habitable room shall not be used as a habitable room.

5.2 No kitchen shall be used as a bedroom.

5.3 The minimum dimension of any habitable room shall be 2 metres (6.5 feet).

5.4 Every habitable room shall have a ceiling height of at least 2.29 metres (7 feet, 6 inches). For the purpose of computing the floor area of a habitable room, no floor area under a ceiling height which is less than 2.13 metres (7 feet) shall be counted except for a bedroom which complies with the provisions that at least one half of any habitable room located directly beneath a roof and having a sloping ceiling, shall have a ceiling height of at least 2.29 metres (7 feet, 6 inches) and the area of that part of the room where the ceiling height is less than 1.5 metres (4.9 feet) shall not be considered as part of the area of the room for the purpose of determining the maximum permissible occupancy thereof.

5.5 No basement or portion thereof shall be used as a dwelling unit, unless it meets the following requirements:

- 1) access to each habitable room shall be gained without passage through a furnace room, boiler room or storage room;
- 2) each habitable room shall comply with all the requirements for ingress, egress;
- 3) light, ventilation and ceiling height set out in this Bylaw;
- 4) floors and walls are constructed so as to be impervious to leakage of underground or surface run-off water

5.6 The maximum number of occupants within a dwelling that is being operated as short-term accommodation shall not exceed a total number based upon two (2) persons per bedroom plus an additional two (2) persons. (By-law 2014-46)

Toilet and Bathroom Facilities

5.7 Every dwelling unit shall contain plumbing fixtures in good repair and in an operative condition, consisting of a minimum of one toilet, one sink, and one bathtub or shower.

5.8 All bathrooms and toilet rooms shall be located within and accessible from within the dwelling unit.

5.9 All bathrooms and toilet rooms shall be fully enclosed and maintained so as to provide privacy for the occupant.

5.10 No toilet or urinal shall be located within a bedroom or a room that is used for the preparation, cooking, storing or consumption of food.

Part VI

Vacant Lands and Buildings

6.1 All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code where applicable.

Vacant Lands

- 6.2 Vacant land shall be maintained to the standards as described in Part III, Articles 3.2 and 3.3, of this By-Law.
- 6.3 Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.

Vacant Buildings

- 6.4 Vacant buildings shall be kept cleared of all garbage, rubbish and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.
- 6.5 The owner or agent of a vacant building shall protect the building against the risk of fire, accident, damage or other danger thereto or to adjoining premises by effectively preventing the entry thereto by all unauthorized persons.
- 6.6 Without restricting the generality of Section 5.5, protection may include the boarding up of all openings to the building with at least 12.7 mm (2") weatherproof sheet plywood, composite panels or sheathing boards securely fastened to the building and painted a colour compatible with the surrounding walls.

Part VII

Non-Residential Property Standards

- 7.1 All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code where applicable.

Yards

- 7.2 The yards of non-residential property shall be maintained to the standards as described in Part III, Articles 3.2 and 3.3 of this By-Law.
- 7.3 The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unobstructed access for emergency vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 metres (6') in height and maintained in good repair.

Parking Areas and Driveways

- 7.4 All areas regularly used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free of dirt and litter.
- 7.5 All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

Structural Soundness

- 7.6 Every part of a building structure shall be maintained in a sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a level of safety required by the Ontario Building Code. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.
- 7.7 Walls, roofs, and other exterior parts of a building or structure shall be free from loose or improperly secured objects or materials.

Exterior Walls

- 7.8 Exterior walls of a building or a structure and their components, including soffits, fascia, windows and doors, shall be maintained in good repair free from cracked,

broken or loose masonry units, stucco, and other defective cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.

7.9 Exterior walls of a building or a structure and their components, shall be free of unauthorized signs, painted slogans, graffiti and similar defacements.

Exterior Guardrails

7.10 Exterior guards shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24") between adjacent levels. Guardrails shall be installed and maintained in good repair around all landings, porches, decks and balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

Part VIII

Administration and Enforcement

- 8.1 This By-Law shall apply to all property located within the area indicated on Schedule A1 to this By-law.
- 8.2 Notwithstanding 8.1 above, this By-law applies to all lands and premises within the Town used for short term accommodation. (By-law 2014-46)
- 8.3 The imperial measurements contained in this By-Law are given for reference only.

Officers

8.4 The Council of the municipality shall appoint a Property Standards Officer(s) to be responsible for the administration and enforcement of this By-Law.

Property Standards Committee

- 8.5 Council shall appoint by Resolution of Council no fewer than three (3) persons to the Property Standards Committee.
- 8.6 Every person who initiates an appeal of an Order made under Section 15.2 (2) of the Ontario Building Code Act, S.O. 1992, c.23, shall submit a Notice of Appeal in the time frame and the manner as prescribed in section 15.3 (1) of the Act.

Penalty

8.7 An owner who fails to comply with an order that is final and binding under this By-law is guilty of an offence under Section 36(1) of the Building Code Act, S.O. 1992, c.23, and is liable to a penalty or penalties as set out in section 36 of that Act.

Validity

- 8.8 If an article of this By-Law is for any reason held to be invalid, the remaining articles shall remain in effect until repealed.
- 8.9 Where a provision of this By-Law conflicts with the provision of another by-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

Transitional Rules

8.10 After the date of the passing of this By-law, By-Law No. 93-3, as amended, of the former Township of Collingwood and By-law No. 10/95, as amended, of the former Town of Thornbury shall apply only to those properties in which an Order to Comply has been issued prior to the date of passing of this By-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings with respect to such Order, including any demolition, clearance, or repair carried out by the municipality shall have been concluded.

Repeal

8.11 By-Law No. 93-3, as amended, of the former Township of Collingwood and By-law No. 10/95, as amended, of the former Town of Thornbury, are hereby repealed.

Title

8.12 This By-Law may be referred to as "The Property Standards By-Law".

Read a first and second time this 3rd day of April, 2002.

Read a third time and passed this 3rd day of April, 2002.

Ross Arthur, Mayor

Stephen Keast, Town Clerk

Town of The Blue Mountains

Key Map - Schedule 'A1'

By-law No. 2002-18

Legend

 Subject Lands Affected By Property Standards

